

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to updates of administrative procedures

The Department of Transportation hereby amends Chapter 10, “Administrative Rules,” Chapter 11, “Waiver of Rules,” and Chapter 12, “Declaratory Orders,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 17A.7, 17A.9, 17A.9A and 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 17A.7, 17A.9 and 17A.9A.

Purpose and Summary

The amendments to Chapters 10, 11 and 12 update the bureau name of the Department’s rules administrator and add email as an option for a person wanting to submit a petition for rule making, petition for waiver, or petition for declaratory order to the Department. The amendments to Chapter 10 also modify language in subparagraph 10.2(2)“a”(2) to suggest that persons who have requested an oral presentation provide the Department with the general subject of the presentation.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 13, 2019, as **ARC 4325C**. No public comments were received.

One change from the Notice was made. The word “Bureau” was added after “Strategic Communications and Policy” in Chapters 10, 11 and 12 to reflect the recent change in the Department’s office- and bureau-naming conventions.

Adoption of Rule Making

This rule making was adopted by the Department on May 14, 2019.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 10, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrule 10.1(2) as follows:

10.1(2) Address. The mailing address of the department's rules administrator is: Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010. The email address of the rules administrator may be found on the department's website at iowadot.gov/administrativerules.

ITEM 2. Amend subparagraph **10.2(2)"a"(2)** as follows:

(2) If an oral presentation is requested, the requester is encouraged to set forth the general content subject of the presentation ~~shall be indicated~~.

ITEM 3. Amend subrule 10.3(1), introductory paragraph, as follows:

10.3(1) The department shall accept and consider, from any person or agency, petitions for rule making when submitted to the department's rules administrator by mail or email and prepared in conformance with the following:

ITEM 4. Amend **761—Chapter 10**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 17A.1 to 17A.9, 17A.19, and 307.12 and ~~section 307A.2 as amended by 2015 Iowa Acts, House File 635, section 20.~~

ITEM 5. Amend subrule 11.5(3) as follows:

11.5(3) Submission of petition. A petition for waiver from the requirements of a rule shall be submitted to the rules administrator either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

ITEM 6. Amend subrule 11.8(2) as follows:

11.8(2) The ~~operations and finance division~~ department's rules administrator shall, at a minimum, retain for five years records relating to waivers granted or denied under this chapter.

ITEM 7. Amend subrule 12.2(2) as follows:

12.2(2) The petition must be submitted to the ~~department's rules administrator at the following address:~~ either by mail to Rules Administrator, ~~Operations and Finance Division~~ Strategic Communications and Policy Bureau, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or by email to the rules administrator's email address listed on the department's website at iowadot.gov/administrativerules.

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